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## ALSTON & BIRD LLP

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### TELECOPY

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DATE: November 7, 2003

TO: U.S. Patent & Trademark Office  
Attn: Examiner Robert C. Hayes, Art Unit 1647

FROM: Kathryn L. Coulter

Re: U.S. Patent Application for *Novel BT Toxin Receptors*  
from *Lepidopteran Insects and Methods of Use*  
Appl. No. 09/715,909; Filed November 17, 2000  
Our File 035718/204664 (5718-107)

In response to your voice mail message of yesterday, enclosed please find a copy of the RCE filed for the above-referenced application on September 9, 2003.  
KLC

NO. OF PAGES:  
(Including cover page)

5

OPERATOR: 59661/1/PR

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FAX NUMBER: 703-746-5328

CLIENT/MATTER: 035718/204664

REQUESTED BY: Nora Martinez

VOICE NUMBER: 703-305-3132

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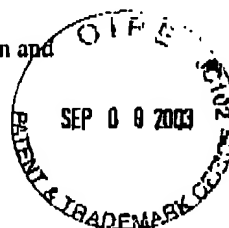
MAIL STOP 1E  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date Mailed: September 9, 2003  
Atty. Dkt. No. 35718/204664 (5718-107)

Application No. 09/715,909; Filing Date November 17, 2000  
Inventor(s): Flannagan *et al.*; Title of Invention: NOVEL BT TOXIN  
RECEPTORS FROM LEPIDOPTERAN INSECTS AND METHODS OF USE  
Documents Enclosed: RCE Transmittal Sheet (2 pages);

Check Enclosed \$750.00

Kindly acknowledge receipt by placing office stamp hereon and  
returning postcard to: Nora C. Martinez/KLC  
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<p style="text-align: center;"><b>REQUEST For CONTINUED EXAMINATION (RCE) TRANSMITTAL</b></p> <p style="text-align: center;">Address to: <b>MAIL STOP RCE COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450</b></p> <p>(Revised 01/2003)</p>	Application Number 09/715,909
	Filing Date November 17, 2000
	First Named Inventor: Flannagan
	Art Unit: 1647
	Examiner Name: Robert Clinton Hayes
	Confirmation No.: 5613
	Attorney Docket No. 35718/204664
<p>This is a request for <u>Continued Examination (RCE)</u> under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.</p>	

1. **Submission required under 37 C.F.R. § 1.114**

**COPY**

- a. ☒ Previously submitted
- i. ☒ Consider the amendments(s)/reply under 37 C.F.R. § 1.116 previously filed on July 7, 2003 (Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavits(s)/Declarations(s)
- iii. ☐ Information Disclosure Statement (IDS); of cites listed on PTO Form 1449
- iv. ☐ Other

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of \_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

In re: Flannagan  
Appl. No.: 09/715,909  
Filed: November 17, 2000  
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3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- a. The Director is hereby authorized to charge any fee deficiencies, or credit any overpayments to Deposit Account No. 16-0605.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)  
(\$750.00 large entity; \$375.00 small entity)
- ii. ☒ Extension of Time Fee (37 C.F. R. §§ 1.136 and 1.17)
- iii. ☐ Other
- b. ☒ Check in the amount of \$750.00 enclosed

Respectfully submitted,

*Kathryn L. Coulter*

Kathryn L. Coulter  
Registration No. 45,889

<p>Customer No. 29122 <b>ALSTON &amp; BIRD LLP</b> Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260</p>	<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>Express Mail" mailing label number EV 184330372 US Date of Deposit September 9, 2003</p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450</p> <p><i>Lynda Jo Pixley</i> Lynda Jo Pixley</p>
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